

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Team # 1	CCRB Case #: 201406019	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/17/2014 10:00 PM	Location of Incident: § 87(2)(b)	Precinct: 110	18 Mo. SOL 12/17/2015	EO SOL 12/17/2015	
Date/Time CV Reported Wed, 06/18/2014 2:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/18/2014 2:10 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Droge	00190	951695	110 PCT
2. POM Christopher Musa	09064	952040	110 PCT
3. POM Christophe Sanchez	23298	948129	110 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Kennedy	15826	949164	110 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Musa	Abuse: PO Christopher Musa stopped § 87(2)(b)	
B.POM Christopher Musa	Abuse: PO Christopher Musa frisked § 87(2)(b)	
C.POM Christophe Sanchez	Abuse: PO Christopher Sanchez stopped § 87(2)(b)	
D.POM Christophe Sanchez	Abuse: PO Christopher Sanchez frisked § 87(2)(b)	
E.POM James Droge	Abuse: PO James Droge stopped § 87(2)(b)	
F.POM James Droge	Abuse: PO James Droge frisked § 87(2)(b)	
G.POM James Droge	Abuse: PO James Droge searched § 87(2)(b)	
H.POM James Droge	Abuse: PO James Droge refused to provide his name to § 87(2)(b)	

### Case Summary

On June 17, 2014, at approximately 10:00p.m., § 87(2)(b) exited the building where he lived, § 87(2)(b) in Queens. § 87(2)(b) and began walking with his friend § 87(2)(b) and noticed a large police presence in the area. As § 87(2)(b) and § 87(2)(b) continued to walk, § 87(2)(b) heard other civilians talking about a stabbing inside the § 87(2)(b). § 87(2)(b) noticed a group of individuals had been stopped by officers and an officer was frisking them. One of the individuals was identified by the investigation as § 87(2)(b) (**Allegations A and Allegation B**) and another as § 87(2)(b) (**Allegations C and Allegation D**). The unidentified officer then approached § 87(2)(b) who stated he was not with the group. § 87(2)(b) and § 87(2)(b) continued to walk eastbound approximately 10 to 15 feet, when PO Droge approached § 87(2)(b) and told him to stop and then lifted § 87(2)(b)'s hands above his head (**Allegation E**). § 87(2)(b) told PO Droge, "I do not consent." PO Droge then turned § 87(2)(b) around and allegedly ran his hands over the outside of § 87(2)(b)'s shirt across his torso, back, around the waistband of § 87(2)(b)'s pants, and over the outside of the pants pockets down to his legs and ankles (**Allegation F**). PO Droge then allegedly placed both hands in both of § 87(2)(b)'s pants pockets without removing the contents (**Allegation G**). § 87(2)(b) then allegedly asked PO Droge for his name, which he did not provide (**Allegation H**).

### Mediation, Civil, and Criminal Histories

§ 87(2)(b) declined mediation. As of January 28, 2015, § 87(2)(b) has not filed a Notice of Claim (encl.9b). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer Histories

- This is § 87(2)(b)'s first CCRB complaint (encl. 3a).
- PO Droge has been a member of service for 3 years and there are no substantiated allegations against him (encl. 2a).
- PO Musa has been a member of service for 3 years and there are no substantiated allegations against him (encl. 2b). This is his first complaint.
- PO Sanchez has been a member of service for 6 years and there are no substantiated allegations against him (encl. 2c).

### Findings and Recommendations

#### Explanation of Subject Officer Identification

PO Musa had filled out a Stop, Question, and Frisk Report for § 87(2)(b) (encl. 8C) and PO Sanchez had filled out a Stop, Question, and Frisk Report for § 87(2)(b) (encl. 8b).

§ 87(2)(g)

§ 87(2)(b) PO Droge acknowledged that he was the only officer who had interacted with § 87(2)(b) on the date of the incident. § 87(2)(g)

**Allegation A-Abuse of Authority: PO Christopher Musa stopped § 87(2)(b)**

**Allegation B-Abuse of Authority: PO Christopher Musa frisked § 87(2)(b)**

**Allegation C-Abuse of Authority: PO Christopher Sanchez stopped § 87(2)(b)**

**Allegation D-Abuse of Authority: PO Christopher Sanchez frisked § 87(2)(b)**

§ 87(2)(b) stated that he saw a group of individuals stopped and frisked by officers (encl. 5d-5f). § 87(2)(b) who was uncooperative with the investigation, stated in his phone statement that while near the location of the stabbing two officers approached § 87(2)(b) and two other individuals. An officer then allegedly frisked § 87(2)(b) from head to toe (encl. 5k). § 87(2)(b) was unavailable to the investigation. Two Stop, Question, and Frisk Reports were created for this incident. They noted that § 87(2)(b) and § 87(2)(b) were both stopped and frisked (encl. 8a & 8b). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation E-Abuse of Authority: PO James Droge stopped § 87(2)(b)**

It is undisputed that § 87(2)(b) was in close proximity to the recent stabbing. It is also undisputed that § 87(2)(b) was stopped by PO Droge and that § 87(2)(b) was wearing a black t-shirt, and black pants.

§ 87(2)(b) stated that he was near a group of individuals that were stopped by officers. § 87(2)(b) told the officers that he was not with the group and was allowed to continue walking. After walking further, PO Droge made him stop walking and put his hands in the air (encl. 5c-5f).

PO Droge stated that when he arrived at the incident location, § 87(2)(b) was with a group of other individuals who matched the description of the perpetrators given by the dispatcher. PO Droge also recognized them from photographs in the stationhouse as being involved in gang activity. As PO Droge and a group of officers approached the group, the dispatcher said the 911 caller could see the officers and confirmed the officers were approaching the perpetrators. § 87(2)(b) began walking away while the other individuals stayed. PO Droge suspected § 87(2)(b) of being involved in the stabbing because of his proximity to the crime location, because he was in the group that the 911 caller had identified as being involved in the stabbing, because he believed that § 87(2)(b) was involved in gang activity, and because he changed direction and walked away as soon officers approached. PO Droge followed § 87(2)(b) and issued three to four verbal commands to § 87(2)(b) before he stopped (encl. 6b- 6e).

A 911 call confirmed that § 87(2)(b) and members of his group matched the descriptions of the perpetrators (encl. 8f).

An officer may stop an individual when he reasonably suspects that a person has committed, is committing, or is about to commit a crime. *People v. DeBour*, 40 N.Y.2d 210 (196) (encl. 1a-1k). *People v. Lacy*, 2013 N.Y. App. Div LEXIS 1416 (encl. 11-m) states that a general description and proximity plus flight elevates the level of suspicion to reasonable suspicion, justifying pursuit.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F-Abuse of Authority: PO James Droge frisked § 87(2)(b)**

**Allegation G-Abuse of Authority: PO James Droge searched § 87(2)(b)**

**Allegation H-Abuse of Authority: PO James Droge refused to provide his name to § 87(2)(b)**

§ 87(2)(b) alleged while stopped by PO Droge that PO Droge ran his hands over the outside of § 87(2)(b)'s shirt across his torso and back and then around the waist band of his pants and over the pockets. After feeling the outside of the pockets, PO Droge then allegedly placed his hands inside both pockets and then removed them, without removing their contents. PO Droge then allegedly ran his hands down § 87(2)(b)'s legs to his ankles then stood up. § 87(2)(b) then requested PO Droge's name two to three times and PO Droge allegedly did not provide it (encl. 5c-5f).

§ 87(2)(b) provided a phone statement and alleged that PO Droge placed his hands inside § 87(2)(b)'s pockets, and that § 87(2)(b) asked PO Droge for his name and shield number which he did not provide. However, § 87(2)(b) did not state that § 87(2)(b) was frisked (encl. 5j).

PO Droge stated that when he stopped § 87(2)(b) because he suspected § 87(2)(b) of being the perpetrator of a stabbing, as stated above, he noticed that § 87(2)(b)'s shirt was bunched up around the right side of his waistband and it appeared to be caught on something. PO Droge was not certain what the item was because the shirt was covering the item it was caught on. PO Droge then frisked that specific area around § 87(2)(b)'s waist from the bellybutton to the hip area and around his front pockets. PO Droge denied frisking § 87(2)(b) anywhere other than the area where the shirt was caught. PO Droge did not feel anything during the frisk. PO Droge denied ever placing his hands inside of § 87(2)(b)'s front pockets. After the frisk, § 87(2)(b) requested PO Droge's name and PO Droge verbally provided it (encl.6b-6e).

§ 87(2)(g)

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Team: \_\_\_\_Team 1\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date